

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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BRUCE HICKMAN,

Plaintiff,

vs.

KM INDUSTRIAL, INC., *et al.*,

Defendants.

2:11-cv-02016-PMP-VCF

**ORDER SCHEDULING A SETTLEMENT  
CONFERENCE**

Before the Court is Defendant KM Industrial, Inc.'s Motion for Pretrial Conference (#45) filed on October 5, 2012. On November 2, 2012, the Honorable Philip M. Pro referred the Motion for Pretrial Conference (#45) to the undersigned. (#46). To date, no opposition has been filed. Pursuant to Local Rule 7-2(d), the failure of an opposing party to file points and authorities in response to any motion will constitute a consent to the granting of the motion.

Accordingly, IT IS HEREBY ORDERED that Defendant KM Industrial, Inc.'s Motion for Pretrial Conference (#45) is GRANTED.

IT IS FURTHER ORDERED that the following will apply:

A settlement conference is hereby scheduled to commence at **10:00 a.m. on December 12, 2012**, in the chambers of the undersigned United States Magistrate Judge, Sixth Floor-Room 6202, Lloyd D. George United States Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada.

All **principal counsel of record who will be participating in the trial** and who have full authority to settle this case, all parties appearing pro se, if any, and **all individual parties must be present**. In the case of non-individual parties, counsel of record shall arrange for an officer or

1 representative with binding authority to settle this matter up to the full amount of the claim or most  
2 recent demand to be present for the duration of the conference.

3 If any party is subject to coverage by an insurance carrier, then a representative of the insurance  
4 carrier with authority to settle this matter up to the full amount of the claim or most recent demand must  
5 also be present for the duration of the settlement conference.

6 A request for an exception to the above attendance requirements must be filed and served at least  
7 one week prior to the settlement conference. Counsel of record, individual parties, and a fully  
8 authorized representative shall appear in person unless the court enters an order granting a request for  
9 exception.

#### 10 **PREPARATION FOR SETTLEMENT CONFERENCE**

11 In preparation for the settlement conference, the attorneys for each party shall submit a  
12 confidential settlement conference statement for the Court's in camera review. The settlement  
13 conference statement shall contain the following:

- 14 1. A brief statement of the nature of the action.
- 15 2. A concise summary of the evidence that supports your theory of the case,  
16 including information which documents your damages claims. Please attach to your statement any  
17 documents or exhibits which are relevant to key factual or legal issues, including selected pages from  
18 deposition transcripts or responses to other discovery requests.
- 19 3. An analysis of the key issues involved in the litigation.
- 20 4. A discussion of the strongest points in your case, both legal and factual, and a  
21 frank discussion of the weakest points as well. The Court expects you to present a candid evaluation of  
22 the merits of your case.

1           5.       A further discussion of the strongest and the weakest points in your opponent's  
2 case, but only to the extent that they are more than simply the converse of the weakest and the strongest  
3 points in your case.

4           6.       The history of settlement discussion, if any, which details the demands and offers  
5 which have been made, and the reasons they have been rejected.

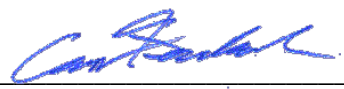
6           7.       The settlement proposal that you believe would be fair.

7           8.       The settlement proposal that you would honestly be willing to make in order to  
8 conclude this matter and stop the expense of litigation.

9           The settlement conference statements shall be received in my chambers -Sixth Floor- Room  
10 6202 - not later than **4:00 p.m., December 5, 2012. DO NOT SERVE A COPY ON OPPOSING**  
11 **COUNSEL. DO NOT DELIVER OR MAIL COPIES TO THE CLERK'S OFFICE.**

12           The purpose of the statement is to assist the undersigned Magistrate Judge in preparing for and  
13 conducting the settlement conference. In order to facilitate a meaningful conference, your utmost  
14 candor in responding to all of the above-listed questions is required. **The settlement statement will be**  
15 **seen by no one except the undersigned.** If this case does not settle, the settlement conference  
16 statement will not be disclosed to the judge who ultimately presides over the trial. Each statement will  
17 be securely maintained in my chambers, and will be destroyed following the conference.

18           DATED this 2nd day of November, 2012.

19   
20 CAM FERENBACH  
21 UNITED STATES MAGISTRATE JUDGE  
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